

CHOATE LAW FIRM LLC

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7 Attorneys for Plaintiff

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE DISTRICT OF HAWAII**

10 NEDA NAHAS,

11 Plaintiff,

12 vs.

13 CONTINENTAL CASUALTY CO.,

14 Defendants

Case No. 03-00478 HG

15 **AFFIDAVIT OF COUNSEL**

16 STATE OF ALASKA )

17 FIRST JUDICIAL DISTRICT )

) ss.

18 MARK CHOATE, being duly sworn upon oath, deposes and states:

- 19 1. I am counsel of record for the plaintiff in this matter and make this Affidavit in  
20 support of plaintiff's Application to Maintain Jurisdiction/Reopen Matter.  
21 2. Exhibits A-H are copies of documents kept in the regular course of business by  
22 my office.  
23 3. On April 17, 2006, discovery was promulgated to Continental. On May 22,  
24 2006, Continental responded to those discovery requests identifying as the sole  
25 response to each request, the "Claims File". That file was not provided to  
26

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28 *Nahas, Neda v. Continental Insurance (09/18/2002) [22673].*

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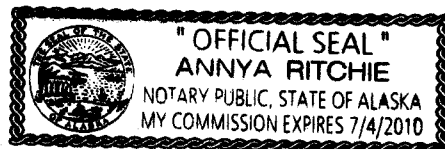
counsel with the discovery response. Rather, the response indicated that it  
"would be produced". My office waited for the file and when it did not arrive  
by late July, in early August my office employed a service in Honolulu to  
physically pick up the file, scan and deliver the file digitally to us. Review of  
the claims file has confirmed the absolute need to depose both Chemonics and  
Continental/Hartford personnel.

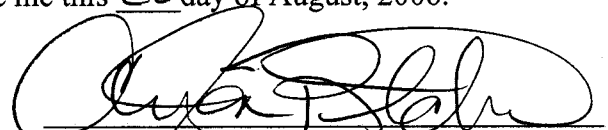
4. On August 9, 2006, I faxed a letter to defense counsel proposing dates for  
depositions of Chemonics and Continental/Hartford personnel in October.  
[Exhibit G] To date, there has been no response to that request from defense  
counsel

FURTHER, AFFIANT SAYETH NAUGHT.

  
MARK CHOATE

SUBSCRIBED AND SWORN TO before me this 22<sup>nd</sup> day of August, 2006.



  
Notary Public in and for Alaska.  
My Commission Expires: 7/4/10

**PROOF OF SERVICE**

STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska.. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On August 22, 2006, I served the foregoing document described as AFFIDAVIT OF COUNSEL, on the interested parties in this action by serving the original true copies, addressed as follows:

John Lacy, Esq.  
Randolf Baldemor  
Goodsill, Anderson, Quinn & Stifel,  
Attorney For: CAN  
Alii Place  
1099 Alakea St., Ste. 1800  
Honolulu, HI 96813  
Phone: (808) 547-5600  
Fax: (808) 547-5880

☐ By mail, I deposited such envelope(s) in the mail at Juneau, Alaska, with postage thereon fully prepaid.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Juneau, Alaska, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

By personal service, I delivered such envelope(s) by hand to the ☐ office(s); ☐ the court box of the addressee(s)..

☐ By facsimile, I transmitted such documents from Juneau, Alaska, to the offices of the addressee(s).

☐ By email, I transmitted such documents from Juneau, Alaska, to the email address of the addressee(s).

☒ By electronic service through the court of record's electronic service system,.

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on August 22, 2006 at Juneau, Alaska..

CHOATE LAW FIRM, LLC

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